



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF REGIONAL COUNSEL
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

FACSIMILE TRANSMITTAL FORM

DATE: 7/2/98
FAX RECIPIENT: Gene Smary
DEPT/FIRM/AGENCY: Warner, Norcross & Judd
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FAX SENDER: Kathleen Schnieders, Assistant Regional Counsel
AGENCY: U.S. EPA, Office of Regional Counsel
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SUBJECT: CDC Access Agreement
NUMBER OF PAGES: 3 including the cover sheet

Gene-

Here's a copy of CDC's Access Agreement. I am having them re-execute it without space for EPA's signature, but we consider this copy valid. Please let me know when you anticipate starting up again, and of course, have your contractor coordinate that with Jon Peterson. Have a nice holiday weekend.

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CONSENT FOR ACCESS TO PROPERTY

Name: CDC Associates, Inc.

Site: Albion-Sheridan Township Landfill

Address of Property:

- CDC Parcel 1, located in Sheridan Township, Section 36, Town 2 South, Range 4 West, Supervisor's Plat - the South 1287 feet of Lot 26, Property Tax Identification Number 1301936203300;

- CDC Parcel 2, located in Sheridan Township, commencing at the Southwest corner of Lot 28 of Supervisor's Plat, thence North 250 feet along the West line of Lot 28; thence East 300 feet; thence South to the South line of Lot 28; thence Westerly along the South line of Lot 28 to point of beginning, Property Tax Identification Number: 1301936204510;

- CDC Parcel 3, located in Sheridan Township, commencing at the Southeast corner of Lot 28, Supervisor's Plat; thence Westerly along the South line of said lot, 389.3 feet; thence North 350 feet; thence East to a point 200 feet West of the East lot line; thence North to a point being 200 feet West and 720 feet North of the point of beginning; thence East 200 feet; thence South to the point of beginning, Property Tax Identification Number: 1301036204520.

CDC Associates, Inc. ("CDC") consents to officers, employees, and authorized representatives of the United States Environmental Protection Agency ("US EPA") entering and having continued access to the properties owned and/or controlled by CDC that are listed above to perform the following response actions pursuant to the Unilateral Administrative Order Docket No. V-W-96-C-316:

- A. Construction of a landfill cap;
- B. Monitoring of groundwater;
- C. Storm Water Management;
- D. The operation and maintenance of the cleanup remedy at the Site, including those constructed elements discussed above;

Subject to the following terms applicable to every person or entity that uses the parcels pursuant to this Agreement:

1 Access to the property shall be restricted by placing a fence along the outer edge of all three of the above listed Parcels with a key or combination for all locks furnished to CDC at the time of installation of the locks;

2 US EPA shall require any private contractor retained to perform the response actions described above to provide CDC with prior written notice of the commencement of any response action that will require access or use of any parcel, including a brief description of the nature of the work;

3 The access granted by this agreement shall be limited to those actions reasonably necessary to perform the response actions described in the UAO issued by US EPA for Remedial Design and Remedial Action, Docket Number V-W-96-C-316.

4 Following the completion of the above-listed response actions (other than operation and maintenance), all three Parcels are reasonably returned to their original condition, with the exception of the constructed elements described above;

5 Neither the access granted by this agreement, nor the entry of CDC and US EPA into this agreement, constitutes a waiver of any claim either CDC or US EPA may have against any party, including any claims against each other.

The undersigned ^{PARTY} parties enter into this Consent For Access to Property:

Dated: _____

~~UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY~~

By _____

Its _____

Dated: July 1, 1998

CDC ASSOCIATES, INC.

By Terry J. Klaasen
Terry J. Klaasen, President